



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3064

Introduced 2/8/2010, by Sen. Donne E. Trotter

SYNOPSIS AS INTRODUCED:

805 ILCS 105/103.35 new

Amends the General Not For Profit Corporation Act of 1986. Provides that a homeowners' association organized under the Act may not, in its own capacity or through its members or any other entity, dredge any sediment or silt from a body of water located, in whole or part, within a common area of the association or redeposit any of that sediment or silt on property within any area of the association, unless certain notice, testing, and compensation requirements are met. Authorizes members of the association to obtain injunctive relief if the requirements of this provision are not met. Effective immediately.

LRB096 15292 JDS 30394 b

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The General Not For Profit Corporation Act of
5 1986 is amended by adding Section 103.35 as follows:

6 (805 ILCS 105/103.35 new)

7 Sec. 103.35. Homeowners' association; dredging.

8 (a) A homeowners' association organized under this Act may
9 not, in its own capacity or through its members or any other
10 entity, dredge any sediment or silt from a body of water
11 located, in whole or part, within a common area of the
12 association or redeposit any dredged materials on property
13 within any area of the association, unless the association
14 complies with all of the following:

15 (1) The association must conduct the physical,
16 biological, chemical, and toxicological testing necessary
17 to establish that neither the disturbance of sediments and
18 silt by dredging nor the redepositing of dredged materials
19 on property within any area of the association will
20 threaten human health, safety, or the environment.

21 (2) The association must hold a meeting to vote on
22 whether to proceed with dredging, redepositing dredged
23 materials, or both. At least 30 days before the meeting,

1 the association must serve on each of its members a written
2 notice that identifies (i) the estimated quantity of
3 sediment, silt, and waste water that will be generated by
4 the dredging operation, (ii) the proposed plan to dispose
5 of the dredged materials, (iii) the estimated costs of
6 dredging and disposal, (iv) the areas that will be affected
7 by dredging and redepositing dredged materials, (v) the
8 statistically significant findings, if any, that are
9 revealed by the testing required under item (1) of this
10 subsection, (vi) the short-term and long-term health,
11 safety, and environmental risks associated with dredging
12 and redepositing dredged material on property within any
13 area of the association, and (vii) the date, time, and
14 place of the meeting.

15 (3) At the meeting, each member of the association who
16 wishes to do so shall be given an opportunity to present
17 testimony and other evidence about his or her concerns with
18 the proposed action, including any concerns about the
19 impact of that action on the value of property held by
20 members of the association. Thereafter, each household of
21 the association may vote by written ballot to determine
22 whether to proceed with the proposed action. The dredging
23 and redepositing of dredged materials within any common
24 area of the association may not proceed, unless 51% of the
25 households of the association give their written approval
26 to do so.

1 (4) The association must compensate its members for
2 reasonable costs incurred as a result of property damage
3 resulting from either dredging or redepositing dredged
4 material within any area of the association.

5 (5) The association must ensure that dredged materials
6 are not redeposited any closer than 150 feet from property
7 owned by a member of the association.

8 (b) If the requirements of this Section are not met, any
9 member of the association may obtain injunctive relief against
10 the association and its officers.

11 (c) This Section applies to all dredging and redepositing
12 of sediment and silt on and after the effective date.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.